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09/690,289	10/16/2000	Lawrence McAllister	10407/459	2190

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EXAMINER

ENATSKY, AARON L

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/690,289

Applicant(s)

MCALLISTER ET AL.

Examiner

Aaron L Enatsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. New formal drawings are required in this application because current drawings are informally hand sketched. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5, 13-20, 43-44, 47, 55-62, 64-65, 68, and 76-83 are rejected under 35 U.S.C. 102(b) as being anticipated by Heidel et al. '047 (Hereafter, Hei). Hei teaches an electromechanical gaming machine that has touch screen gaming controls (Abstract).

In re claims 2, 44, and 65, Hei teaches the gaming machine of the spinning reel type with at least one reel (Fig. 2a) where the touch-screen can control the game (1:60-67).

In re claims 5, 47, and 68, Hei teaches that games can be controlled using the touch-screen (1:45-49).

In re claims 13-20, 55-62, and 76-83, Hei teaches a controller unit (PC) for controlling the reel game, which has machine control programs, game control programs, a microprocessor, links to multiple devices for which software and control is contained in the controller (3:8-29).

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As the controller has a microprocessor, controls a variety of linked devices, and computers are generally considered multi-tasking, it is inherent that the device is multi-tasking.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 45, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hei in view of Nolte et al. '070 (Hereafter, Nol). Hei teaches the above-discussed limitations, but does not teach of a user selectively stopping the spinning reels. Nol teaches a video slot game machine having a user ability to selectively stop individual slot reels (2:33-37). Nol also teaches that video slot games are known to ordinary skill in the art (1:11-13) and Hei teaches that user controls are interchangeable between buttons and touch-screen controls. As both Hei and Nol both teach games dealing with slot machines, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hei to include the user selectable stopping of the reels by Nol, to add a sense of operator skill (Nol 1:29-31) to the chance element nature of the slot game.

5. Claims 4, 46, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hei in view of Pepper, Jr. '552 (Hereafter Pep). Hei teaches the above-discussed limitations, but does not teach of a pressure sensitive user interface, only a touch sensitive user interface. Pep teaches a pressure sensitive surface mounted on a screen or other interface devices (Fig. 12 and 13). Pep also teaches that movement in different direction and variable pressure will be translated into

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various game features in a gaming machine (10:1-22). One would be motivated to combine Hei and Pep as both teach of similar user interface mechanism for interfacing with a game program. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hei to include the pressure sensitive touch-screen display to add the ability for increased, flexible user control options.

6. Claims 6-12, 48-54, and 69-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hei in view of Bertram et al. (Hereafter, Bert). Hei teaches the claimed limitations as discussed above, but does not specifically disclose the composition of the touch-screen employed in the gaming machine. Bert teaches of a touch screen to reduce noise and cost (Abstract), applied in a variety of environments including a gaming on a slot machine (2:10-14). Bert also teaches that the touch-screen uses a composite material such as glass in a CRT (2:1-5), a metallic material (4:1-9), a polymeric material (3:2-6), and a plurality of transducers (4:1-9 and 4:57-64). One would be motivated to combine both Hei and Bert as they both teach a touch-screen device used in a gaming machine dealing with a slot machine. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hei, which does not specify a type of touch-screen, to include the touch-screen specifications by Bert to reduce ambient noise and cost. Additionally, as Hei does not disclose a specific touch-screen, it is further old and well known in the art that various touch-screen devices can be employed interchangeably, therefore merely a design choice as to what touch-screen to employ.

In re claims 12, 54, and 75, Hei in view of Bert (Hereafter, HB) teaches the claimed limitations as discussed above, but does not specifically teach the use of a bezel to protect the transducers. However, HB does teach that the electrodes/transducers are located substantially

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near the exterior edge of a screen, and it is well known that screen have bezels protecting the outer edge of a screen, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to protect the electrodes/transducers by providing covering with the bezel, leaving exposed only necessary components to distinguish a user's touch.

7. Claims 21, 63, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hei in view of Wiltshire et al. '602 (Hereafter, Wilt). Hei teaches the claimed limitations as discussed above, but does not teach of using a plurality of touch panel terminals. Wilt teaches using multiple gaming terminals in a network environment (Fig. 1D) that can play reel type games (Fig. 5A) utilizing touch-screen using inputs and can interchangeably use a mechanical reel system or combine with an electronic reel system (4:4-29). As Hei and Wilt deal with mechanical and video slot machines using touch-screen controls, one would be motivated to combine Hei with Wilt. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Hei with a networked multitude of touch-screen games to increase game availability and help reduce total system cost (Wilt, Abstract).

8. Claims 22-23, 26, 34-41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hei in view of Hedrick et al. '884 (Hereafter, Hed) further in view of Beeteson et al. '430 (Hereafter, Beet). Hei teaches the claimed limitations as discussed above, but does not disclose using a kit to retrofit existing game machines with touch-screen displays. Hed teaches that mechanical reels are constantly retrofitted to apply upgrades and new appearances to slot machines, which include upgrading the glass (2:40-60) and that an interface may include a touch-screen (8:48-61). Hed also teaches of a network system, which provides for a multitude of touch sensor assemblies (8:13-37). Beet teaches that existing screens can be retrofitted to employ

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a touch-screen interface (9:46-63). One would be motivated to combine Hei in view of Hed, as both substantially deal with touch-screen displays, and furthermore, motivated to combine Hei in view of Hed further in view of Beet as Beet teaches with general integration of touch-screen displays. Therefore one of ordinary skill in the art at the time the invention was made would have modified Hei knowing that Hed teaches of retrofitting existing machines, and further modifying Hei in view of Hed to include the retrofitting of a touch-screen interface by Beet for modernization of existing game machines.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hei in view of Hed further in view of Beet further in view of Nol. Hei in view of Hed further in view of Beet (Hereafter HHB) teach the above claimed limitations but do not teach of a user selectively stopping the spinning reels. Nol teaches a video slot game machine having a user ability to selectively stop individual slot reels (2:33-37). Nol also teaches that video slot games are known to ordinary skill in the art (1:11-13) and HHB teaches that user controls are interchangeable between buttons and touch-screen controls. As both HHB and Nol both teach games dealing with slot machines, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify HHB to include the user selectable stopping of the reels by Nol, to add a sense of operator skill (Nol 1:29-31) to the chance element nature of the slot game.

10. Claims 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over HHB in view of Pepper, Jr. '552 (Hereafter Pep). HHB teaches the above-discussed limitations, but do not teach of a pressure sensitive user interface, only a touch sensitive user interface. Pep teaches a pressure sensitive surface mounted on a screen or other interface devices (Fig. 12 and 13). Pep also teaches that movement in different direction and variable pressure will be translated into various

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game features in a gaming machine (10:1-22). One would be motivated to combine HHB and Pep as both teach of similar user interface mechanism for interfacing with a game program. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify HHB to include the pressure sensitive touch-screen display to add the ability for increased, flexible user control options.

11. Claims 34-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over HHB in view of Bertram et al. (Hereafter, Bert). HHB teaches the claimed limitations as discussed above, but do not specifically disclose the composition of the touch-screen employed in the gaming machine. Bert teaches of a touch screen to reduce noise and cost (Abstract), applied in a variety of environments including a gaming on a slot machine (2:10-14). Bert also teaches that the touch-screen uses a composite material such as glass in a CRT (2:1-5), a metallic material (4:1-9), a polymeric material (3:2-6), and a plurality of transducers (4:1-9 and 4:57-64). One would be motivated to combine both HHB and Bert as they both teach a touch-screen device used in a gaming machine dealing with a slot machine. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify HHB, which does not specify a type of touch-screen, to include the touch-screen specifications by Bert to reduce ambient noise and cost. Additionally, as HHB does not disclose a specific touch-screen, it is further old and well known in the art that various touch-screen devices can be employed interchangeably, therefore merely a design choice as to what touch-screen to employ.

12. In re claims 12, 54, and 75, HHB in view of Bert teaches the claimed limitations as discussed above, but does not specifically teach the use of a bezel to protect the transducers. However, HHB in view of Bert do teach that the electrodes/transducers are located substantially

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near the exterior edge of a screen, and it is well known that screen have bezels protecting the outer edge of a screen, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to protect the electrodes/transducers by providing covering with the bezel, leaving exposed only necessary components to distinguish a user's touch.

*Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tode et al. '532, discloses a bezel surrounding the other edges of a touch-screen to provide protection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9302 for regular communications and 703-746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ale  
June 26, 2002



JESSICA HARRISON  
PRIMARY EXAMINER